

Exhibit 11

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USA BASEBALL, THE NATIONAL HIGH
SCHOOL BASEBALL COACHES ASSOCIATION,
DR. PETER BERG, JUAN HERNANDEZ, DENNIS
CANALE, MEL ZITTER, MICHAEL CRUZ, TITO
NAVARRO, JOHN TORRES, EASTON SPORTS,
INC., WILSON SPORTING GOODS CO.,
RAWLINGS SPORTING GOODS COMPANY, and
HILLERICH & BRADSBY CO.

Plaintiffs,

- against -

Civil Action No. 07-CV-3605

CITY OF NEW YORK,

Defendant.

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DECLARATION OF PAUL SEILER

I, Paul Seiler, depose and state as follows:

1. I am the Executive Director of USA Baseball, a national governing body that exists by an Act of Congress passed in 1978. If sworn as a witness, I can testify competently to the facts contained herein.

2. USA Baseball is the umbrella organization for many of the leading amateur baseball associations in the country. Our member organizations include, among others, Little League Baseball, the National Federation of State High School Associations ("NFHS"), the National Collegiate Athletic Association (NCAA), the National Association of Intercollegiate Athletics (NAIA), Babe Ruth Baseball, the National Baseball Congress, American Legion Baseball, Dixie Baseball, T-Ball USA, AAU Baseball, the American Baseball Coaches Association (ABCA), the American Amateur Baseball Congress (AABC), the National Amateur Baseball Federation (NABF), the National Police Athletic League, and the National High School Baseball Coaches Association (BCA). The purpose of USA Baseball is to promote and develop amateur baseball at the grassroots level.

3. Our member organizations have long been involved in the issue of metal bats. USA Baseball cares about the sport and its participants, and believes that any safety concern should be taken seriously and addressed.

4. New York City Council's apparent belief that metal and non-wood composite bats create a safety risk to high school age players is contrary to the experience of our member organizations and their players.

5. The Bat Ordinance harms every one of our member organizations by suggesting that baseball is an unsafe sport, and that the leadership of these leagues do not care about the safety issue. The New York City Bat Ordinance is purportedly based on safety concerns, which

necessarily implies that the metal and non-wood composite bats these leagues allow pose an unacceptable risk of injury to our players. There is no justification or support for this false assertion.

6. Several of USA Baseball's member organizations have actively studied the safety issue. These organizations include, among others, American Legion Baseball, Little League, Babe Ruth League Baseball, and Pony League Baseball. After thorough consideration of available injury data and input from its members, each of these organizations decided that no action should be taken against non-wood bats because there was no evidence that non-wood bats posed any safety risk to the players in their leagues.

7. New York City's ban on metal and non-wood composite bats in high school play will harm USA Baseball and its various organizations. Many New York City high school players participate in our member organizations, including American Legion, Pony League, and Babe Ruth League Baseball. These players and their parents will either be forced to purchase two sets of bats (wood or wood composite bats for New York City high school play, and metal or non-wood composite bats for play in the majority of USA Baseball Member Leagues), or suffer a competitive disadvantage in metal and non-wood composite bat play. This is because these leagues, and our other member organizations, will continue to allow the use of metal and non-wood composite bats.

8. Of course, our member organizations are free to use wood bats if they so desire, and the players and coaches have the ability to make that choice based on their preferences and cost considerations.

9. The New York City ban on metal and non-wood composite bats eliminates this choice. This ban creates a problem for several reasons. First, wood bat play is expensive. Wood bats frequently break and need to be replaced. A typical player will go through several wood bats in the course of a regular season. Thus, the cost of participating in baseball in New York City will rise since parents and players will have to purchase many more bats.

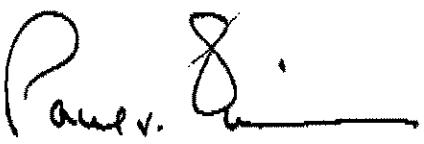
10. Secondly, the vast majority of players in our leagues prefer to use metal bats. This is because metal bats are easier to hit with due to a wider sweet spot. Players do not have to perfectly center the bat on the ball when playing with metal bats. The wider sweet spot on metal and nonwood composite bats does not result in a faster exit speed of the ball off the bat relative to a hit off the sweet spot of a wood bat, but since the sweet spot on a metal bat is larger, a player will be able to hit the ball well more frequently than the same player could with wood. This enables less skilled players to experience more success, thus increasing their enjoyment of and interest in the sport.

11. The increased cost and lack of player choice which will result from the ban on aluminum bats can be expected to decrease participation in baseball in New York City. This result is directly contrary to USA Baseball's stated purpose of promoting and developing amateur baseball at the grassroots level. In fact, participation levels in baseball leagues overall are already declining. According to industry reports, between 1990 and 2005, the total number of youths age 6 to 17 who played baseball at least once per year fell by over 29%, while the total population in this age group increased by 19%. This is a special concern of USA Baseball, and forcing players to use wood bats will only make this decline worse. Declining participation

levels will also hurt the organizations under our umbrella, including American Legion, Pony League, and Babe Ruth League Baseball.

I declare under penalty of perjury that the foregoing is true and correct.

This 25 day of May, 2007.


PAUL SEILER